

## **GOVERNING REGULATIONS**

### **CALIFORNIA CODE OF REGULATIONS**

#### **TITLE 14, DIVISION 1**

#### **SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE**

#### **CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING**

#### **SUBCHAPTER 1. HARBOR SAFETY COMMITTEES AND HARBOR SAFETY PLANS**

#### **SECTIONS 800 - 802**

**Effective 2/9/05**

### **800. DEFINITIONS**

In addition to the definitions in Chapter 1, Section 790 of this Subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

- (a) "Vessels" means any watercraft or ship of any kind, including every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

**NOTE: Authority cited: Section 8670.23, Government Code.**

**Reference: Sections 8670.3, 8670.21 and 8670.23, Government Code.**

### **800.5. HARBOR SAFETY COMMITTEES**

- (a) The Administrator shall create harbor safety committees for the harbors and adjacent regions of San Diego Bay; Los Angeles/Long Beach Harbor; Port Hueneme; San Francisco, San Pablo, and Suisun Bays; and Humboldt Bay. In consultation with each harbor safety committee, the Administrator shall determine its geographic region of responsibility which shall be clearly reflected in the committee's plan as described in Section 802(b)(2) of this Subchapter.
- (b) In the event that a designee of a port authority is not able to participate as a harbor safety committee member due to military affiliations, the civilian counterpart for that harbor may serve in place of the port authority designee.
- (c) All meetings of harbor safety committees, their subcommittees, workgroups or organizations, as defined in Government Code Section 54952, are subject to the open meeting requirements contained in Government Code Sections 54950 through 54962.

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.**  
**Reference: Section 8670.23, Government Code.**

800.6. HARBOR SAFETY COMMITTEE MEMBERSHIP

- (a) The Administrator shall appoint to each harbor safety committee, for a term of three years, all of the following members and their alternates:
- (1) A designee of each of the port authorities within the region, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region shall have four designees.
  - (2) A representative of dry cargo vessel operators, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region may have two representatives.
  - (3) A representative of tank ship operators, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region shall have one additional representative of either tank ship operators or marine oil terminal operators.
  - (4) For the harbor safety committees for the Los Angeles/Long Beach Harbor region, Port Hueneme region, and Humboldt Bay region a representative of marine oil terminal operators.
  - (5) A representative of tug or tank barge operators, who is not also engaged in the business of operating either tank ships or dry cargo vessels, except that the harbor safety committees for the San Francisco, San Pablo and Suisun Bay region and Humboldt Bay region shall have one representative of tug operators and one representative of tank barge operators, neither of whom is also engaged in the business of operating either tank ships or dry cargo vessels.
  - (6) For the harbor safety committees for the San Francisco, San Pablo and Suisun Bay region, Los Angeles/Long Beach Harbor region and San Diego Bay region, a representative of scheduled passenger ferry or excursion vessel operators.
  - (7) A representative of the pilot organizations within the region, except that the harbor safety committee for the Los Angeles/Long Beach Harbor region shall have two pilot representatives: one a designee of the Port of Los Angeles pilot organization and one a designee of the Port of Long Beach pilot organization. Additionally, the harbor safety committee for the Los Angeles/Long Beach Harbor region shall have one representative of mooring masters who represents all mooring masters operating within the committee's geographic area of responsibility.

(8) A representative of a recognized labor organization involved with operations of vessels.

(9) A representative engaged in the business of commercial fishing.

(10) A representative of pleasure boat operators or a recreational boat organization.

(11) A representative of a recognized nonprofit environmental organization that has as a purpose the protection of marine resources, except that the harbor safety committee for the Los Angeles/Long Beach Harbor region may have two representatives .

12) The United States Coast Guard Captain of the Port and a designee of each of the following federal agencies to the degree that each consents to participate on the committee: the United States Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, and the United States Navy.

(13) A designee of the California Coastal Commission, except for the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region, where the Administrator shall appoint a designee of the San Francisco Bay Conservation and Development Commission.

(b) A harbor safety committee may petition the Administrator with a request for new or additional membership positions for special needs to conduct ongoing harbor safety committee business and which reflect the makeup of the local maritime community. The qualifications for such positions shall be set either in committee bylaws or on the petition. The approval of such petitions shall be at the sole discretion of the Administrator.

(c) A harbor safety committee may petition the Administrator for the elimination of new or additional membership positions requested and approved pursuant to Subsection (b). The approval of such petitions shall be at the sole discretion of the Administrator.

(d) The members appointed from the categories listed in Subsections (a)(2), (3), (4), (5),(6), and (7) above shall have navigational expertise. An individual is considered to have navigational expertise if the individual meets any of the following conditions:

(1) Has held or is presently holding a United States Coast Guard Merchant Marine Deck Officer's license.

(2) Has held or is presently holding a position on a commercial vessel that includes navigational responsibilities.

- (3) Has held or is presently holding a shoreside position with direct operational control of vessels.
- (4) Has held or is currently holding a position having responsibilities for permitting or approving the docking of vessels in and around harbor facilities.
- (e) The Administrator shall appoint a chairperson and vice chairperson, for a term not to exceed the balance of their current membership appointment, for each harbor safety committee from the membership specified in Subsection (a) above. The Administrator may withdraw such appointments at his or her sole discretion.
- (f) Upon request of the committee chairperson, pursuant to the committee's bylaws, the Administrator may remove a member or alternate appointed under authority of Subsection (a) above.

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.**  
**Reference: Section 8670.23, Government Code.**

## **801. GENERAL PROVISIONS**

- (a) Each harbor safety committee shall be responsible for planning for the safe navigation and operation of vessels within its geographic region of responsibility. As part of meeting this responsibility, each committee shall prepare and submit to the Administrator its harbor safety plan which encompasses all vessel traffic within its region and addresses the region's unique safety needs.
- (b) All harbor safety plans shall be consistent with both the California Oil Spill Contingency Plan and the National Contingency Plan.
- (c) All harbor safety plans shall be in writing and shall include a reference to any federal, state or local laws or regulations if those laws or regulations were relied upon to develop the plan.
- (d) Harbor safety plans which meet the requirements of this subchapter shall be implemented by the Administrator in consultation with the respective committee.
- (e) On or before July 1 of each year, each harbor safety committee shall assess maritime safety or security within its region, including tank vessel safety, and shall report its findings and recommendations for improvements to the Administrator by amending its current harbor safety plan or instituting other alternatives to address its findings. All plans shall be reviewed by the Administrator to ensure their compliance with this subchapter.

- (f) The Administrator may direct a harbor safety committee to address any issue affecting maritime safety or security, as appropriate, and to report findings and recommendations on those issues.

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.**

**Reference: Section 8670.23, Government Code.**

## 802. HARBOR SAFETY PLAN CONTENT

- (a) All harbor safety plans shall be written in consideration of the best achievable protection standard as that term is defined in Chapter 1 of this subdivision.
- (b) Each harbor safety plan shall include, at a minimum, a discussion of the following:
  - (1) Tug Escorts
    - (A) One section of the plan shall be dedicated to the usage of tug escorts in the committee's geographic region of responsibility.
    - (B) This section shall allow for a case-by-case determination of tug escort usage or need based on specified criteria which include, but are not limited to, all of the following factors:
      - 1. the physical limitations of the tugs;
      - 2. an analysis of commonly encountered weather and sea conditions including, but not limited to, wind, tidal and ocean currents;
      - 3. the type of cargo carried by the tank vessel;
      - 4. a determination of whether or not tug escorts are needed for unladen tank vessels; and
      - 5. the effectiveness of tug escorts in steering and/or stopping assistance for heavily laden tank vessels given the geographic and navigational limitations of that region.
    - (C) This section shall also include, but not be limited to, all of the following:
      - 1. an outline discussing tug boat capabilities when assisting a tank vessel;

2. a recommendation determining when tank vessels must be escorted by tug(s) while entering, leaving, or navigating in the region;
  3. a determination of sufficient size, horsepower, and pull capacity of the tug(s) to assure maximum assistance capability;
  4. a comprehensive inventory of the number and types of tugs available for tank vessel escort in each geographic region; and
  5. an analysis, including factual data and studies relating to the analysis, which specifies the incidence and location of accidents and the effects of the absence or presence of tug escorts at the time of those accidents.
- (D) Each plan shall address its method for performing a continued study of tug escorts, which will rely in part on relevant information solicited by the harbor safety committee from pilots, masters, representatives from towing industries and builders, and other interested parties.

(2) Geographic Region of Responsibility

This section shall provide a written description of each committee's geographic region of responsibility and shall include a large scale chart, or chartlet, illustrating the entire region. The geographic region of responsibility described and illustrated shall be the one approved by the Administrator as outlined in Section 800.5(a) of this Subchapter.

(3) Regional Harbor Conditions

This section shall provide:

- (A) a description of existing and expected conditions of weather, tidal ranges, tidal currents (directions and velocities) and other factors which might impair or restrict visibility or impact vessel navigation;
- (B) a description of the procedures for routing vessel traffic, and any contingency or secondary routing plans which may be used during construction and dredging operations;
- (C) a description of limitations of current anchorages (designations, proximity to heavily used fairways or channels) and any plans, if

developed, to address those limitations; and

- (D) a description of the current channel design (navigable channel width and advertised dredged depth) and any proposed changes to these plans.

(4) Vessel Traffic Patterns

This section shall provide, to the greatest extent possible:

- (A) A description of the types of vessels which call on the ports or facilities within the region; and
  - 1. identification of the types of cargo transported on the vessels; and
  - 2. a determination of the amount of oil annually (using a three year average) shipped into or from the ports or facilities within the region.
- (B) a history and types of all accidents and near-accidents which have occurred within the region during the past three years and any corrective actions or programs taken to alleviate recurrences. For purposes of this subsection, "near-accident" shall mean all situations where a risk of collision as defined by 33 USC 2007 existed;
- (C) an assessment of current safety problems or conflicts with small vessels, sailing vessels, or vessels engaged in fishing as it relates to violation of Rule 9 (Narrow Channels Rule) of the Inland Navigational Rules Act (33 USC 2009);
- (D) current procedures for routing vessels during emergencies or other contingencies which impact navigation;
- (E) a review of existing and proposed federal, state and local laws, regulations or ordinances affecting the region to determine a need for any change;
- (F) an assessment of the need for establishing or upgrading existing educational or public awareness programs for all waterway users.

(5) Aids to Navigation

This section shall:

- (A) describe any fixed navigational hazards specific to the region and aids to navigation systems in place to minimize risk of contact with these hazards;
- (B) evaluate the existing aids to navigation systems available to each region as established and maintained by the United States Coast Guard or other navigational aids as permitted by the United States Army Corps of Engineers, and determine the need for any changes; and
- (C) evaluate current programs to determine accurate depth information in navigable channels, anchorages and berths used by tank vessels, and make recommendations necessary to increase the accuracy of such information.

(6) Communication

This section shall:

- (A) review and evaluate the adequacy of current ship-to-ship and ship-to-shore communication systems used in the region;
- (B) identify any low propagation, or silent areas within the region;
- (C) if communication deficiencies exist, develop a strategy to address such deficiencies.

(7) Bridge Management Requirements

- (A) This section shall assess the current schedule for bridge openings, the adequacy of ship-to-bridge communications, and the physical limitations affecting vertical and horizontal clearance.

(8) Enforcement

- (A) This section shall include suggested mechanisms that will ensure that the provisions of the plan are fully, uniformly and regularly enforced.

(9) Project Funding

This section shall:

- (A) provide recommendations for funding projects that the committee intends to recommend or initiate; and



- (B) consider the imposition of user fees, and assess existing billing mechanisms as potential funding sources.

(10) Competitive Aspects

This section shall:

- (A) identify and discuss the potential economic impacts of implementing the provisions of the harbor safety plan; and
- (B) describe the significant differences in the restrictions that could vary from port to port within the region.

(11) Miscellaneous

- (A) This section shall address any additional issues deemed necessary by the harbor safety committee that could impact safe navigation in the region including, but not limited to:
  - 1. vessel pilotage;
  - 2. vessel ballast procedures or requirements;
  - 3. vessel mooring requirements;
  - 4. navigation in reduced or restricted visibility; and
  - 5. maintenance dredging necessary for safe vessel operation.

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.**  
**Reference: Section 8670.23, Government Code**